

REMARKS/COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on May 01, 2007. At the time the Examiner mailed the Office Action claims 1-20 were pending. By way of the present response the Applicants have: 1) amended the specification without adding any new matter; 2) amended claims 1, 9, 15, and 19-20; 3) canceled no claim; 4) added no new claims; and 5) argued the patentability of the Applicants' independent claim 1, 10, and 20. As such, claims 1-20 are now pending. The Applicants respectfully request reconsideration of the claims in view of the following arguments and remarks.

Claim Objections

In the Office Action mailed on May 01, 2007, claims 8, 15, and 18 were objected. The Applicants have made necessary changes in claim 15 to overcome this objection. Regarding claims 8 and 18, the Applicants respectfully submit that "a one value" in line 2 is in proper form and should not be changed to "an one value". The Office is invited to provide a language reference to help the Applicants to understand a need for this change. The Office is respectfully requested to withdraw the objection.

Claim Rejections – 35 USC 112, 2nd paragraph

In the Office Action mailed on April 19, 2007, claims 9, 19, and 20 were rejected under 35 USC 112, 2nd paragraph.

Claims 9, 19, and 20 have been amended to overcome the rejection.

The Office is respectfully requested to withdraw the rejection.

Claim Rejections – 35 USC 101

In the Office Action mailed on May 01, 2007, the Applicants' claims 10-19 were rejected under 35 USC 101 as directed to a non-statutory subject matter because the claims are directed to a computer program product comprising code embodied within a computer readable medium prospectively being an electromagnetic carrier wave is not considered statutory. This rejection is respectfully traversed in view of the submitted arguments and remarks.

Claims 10-19 recites a computer readable medium, which represents an article of manufacture. Therefore, the Applicants submit that the computer readable medium of claim 10-19 does not represent an abstract idea. The Office has asserted that the "computer readable medium" may be "carrier wave or transmission medium". However, the Applicants respectfully submit that the Applicants' Specification lines 21-23 on page 21 specifically discloses various examples of the computer readable medium.

Applicants' Specification lines 21-23 on page 21 :

"...Examples of the computer readable medium include hard drives, network attached storage (NAS), read-only memory, random-access memory, CD-ROMs, CD-Rs, CD-RWs, magnetic tapes, and other optical and non-optical data storage devices...."

The judicial exceptions to the statutory classes are abstract ideas, laws of nature, and natural phenomena. A computer readable medium representing an article of manufacture is neither an abstract idea, a law of nature, or a natural phenomena. Therefore, a computer

readable medium is not a judicial exception, and the useful, concrete, and tangible result analysis does not apply to the computer readable medium.

The "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility," specifically ANNEX IV subpart (a), state the following:

"a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory."

The Applicants submit that the computer readable medium as recited in claim 10 does in fact represent statutory subject matter per 35 U.S.C. 101. An identification of memory leaks produced by the claimed invention is a real-world result. Therefore, the Office is requested to withdraw the rejection of claim 14 and its associated dependent claims 11-19 under 35 U.S.C. 101.

Claim Rejections – 35 USC 102

In the Office Action mailed on May 01, 2007, the Applicants' claims 1, 10, and 20 were rejected under 35 USC 102(e), as being anticipated by US Patent Application Publication no. 2004/0193828 (hereinafter "NEVILL"). This rejection is respectfully traversed in view of the submitted arguments.

NEVILL paragraphs [0056], [0062] and Figure 3 disclose that one operation stack reference table is created for the entire bytecode of a method. The operation stack reference table contains memory reference values for the purpose of garbage collection.

These teachings are different because contrary to the claim recital, NEVILL does not disclose that a stack map is created for each bytecode instruction of a method.

Furthermore, NEVILL discloses using the stack reference table to track and monitor variable types being pushed and popped in the stack. However, NEVILL does not teach, suggest, or disclose that a resulting stack map is derived by applying an operation of the second bytecode as recited in Claims 1, 10, and 20. The Applicants respectfully submit that building a new stack map is different from the operation of using an existing references table, as disclosed by NEVILL, to monitor and track variable types in the stack.

NEVILL discloses using the entries in the stack reference table to complete a marking process whereby all of the heap memory areas reachable from the roots are positively identified and uncorrelated heap memory areas are garbage collected. These teachings are different because contrary to the recital of Claims 1, 10, and 20, NEVILL does not disclose, teach, or suggest more than one stack reference table, hence, cannot teach or suggest comparison of two stack maps. Furthermore, NEVILL discloses subjecting uncorrelated heap memory areas to a memory management operation. However, freeing up the heap memory through memory management, as taught by NEVILL, does not remove the stack map from the class file. Hence, NEVILL cannot teach or suggest that the size of the class file is reduced as a result of disclosed memory management process.

Therefore, NEVILL fails to teach, suggest, or disclose, either expressly or inherently, all the elements of claims 1, 10 and 20

The Applicants respectfully request reconsideration of the claims and allowance of all claims now presented.

Conclusion

In view of these clarifying claims, the Applicants submit that the cited reference does not suggest the recited elements.

The Applicants respectfully submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6927.

If there are any additional charges, please charge Deposit Account No. 50-0805 (Order No.SUNMP394). If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact the undersigned at 408-774-6927.

Respectfully submitted,

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